

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SANDRA E. PONCE,	)	4:10CV3188
	)	
Plaintiff,	)	
	)	
v.	)	MEMORANDUM
	)	AND ORDER
MICHAEL J. ASTRUE,	)	
Commissioner of the	)	
Social Security Administration,	)	
	)	
Defendant.	)	

This matter is before the court upon Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. (Filing [28](#)) Plaintiff requests fees in the total amount of \$4,682.11, which represents 26.7 hours of work by her attorney at an average hourly rate of \$175.36.<sup>1</sup> Defendant does not oppose Plaintiff's application. See filing [31](#).

The court has determined that Plaintiff was indeed the prevailing party in this action, as the Commissioner's decision was reversed and matter remanded for further proceedings; that the position of the Commissioner was not substantially justified; that the application for fees was filed in a timely fashion; and that Plaintiff's net worth did not exceed \$2 million when the action was filed. Plaintiff therefore is entitled to an award of reasonable attorney fees.

Accordingly,

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<sup>1</sup> This average hourly rate equals the statutory maximum of \$125.00, adjusted for inflation since March 1996.

IT IS ORDERED that:

1. Plaintiff's application for attorneys fees pursuant to the Equal Access to Justice Act (filing [28](#)) is granted.

2. By separate document, the court shall enter judgment for Plaintiff and against Defendant, providing that Plaintiff is awarded attorney fees of \$4,682.11.

February 27, 2011.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge